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PRIORITY THEMES: PEACE

Women in areas affected by armed conflicts, foreign intervention,
alien and colonial domination, foreign occupation and threats to
peace

Report of the Secretary-General

SUMMARY

The present report was prepared in accordance with Economic and Social Council resolution 1987/24, in which, for the thirty-fourth session of the Commission on the Status of Women, the priority theme under the heading "peace" was identified as "Women in areas affected by armed conflicts, foreign intervention, alien and colonial domination, foreign occupation and threats to peace". The report shows that the number of armed conflicts continues to be great; that women are disproportionately among the victims without being the decision makers; that, although special provisions for the protection of women exist in international humanitarian law, those provisions are not always applied; and that humanitarian assistance exists but is often not targeted to the special needs of women. It notes that women have an important role to play in eliminating armed conflicts, but that they are still largely excluded from official decision-making on the peace process. Women continue to exercise their influence through non-governmental organizations and through their own initiatives in the peace movement.

* E/CN.6/1990/1.

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INTRODUCTION

1. In its resolution 1987/24, on the long-term programme of work of the Commission on the Status of Women to the year 2000, the Economic and Social Council selected as priority theme for the thirty-fourth session of the Commission the subject of women in areas affected by armed conflicts, foreign intervention, alien and colonial domination, foreign occupation and threats to peace.
2. The Commission on the Status of Women at its thirty-third session adopted resolution 33/6, entitled "Refugee and displaced women", in which it recommended that "the scheduled report ... to be submitted to the Commission ... at its thirty-fourth session, be prepared in co-operation with the office of the United Nations High Commissioner for Refugees, taking into account the importance of the legal protection of refugee women". It further recommended that the report should include contributions from the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), the United Nations Border Relief Operation (UNBRO) and other relevant sources.
3. The protection of women in areas of armed conflicts has been of increasing concern to the United Nations since its founding. Various declarations have been adopted by the General Assembly reaffirming its desire to contribute to respect for and observance of human rights and fundamental freedoms, in particular those of women and children. Among them are the Declaration on the Participation of Women in Promoting International Peace and Co-operation (General Assembly resolution 37/63), and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict Situations (General Assembly resolution 3318 (XXIX)).
4. The issue of the protection of women and children in emergency and armed conflict situations is also included in chapter III of the Nairobi Forward-looking Strategies for the Advancement of Women. 1/ Paragraph 261 of the Strategies states that armed conflicts and emergency situations impose a serious threat to the lives of women and children, causing constant fear, danger of displacement, destruction, devastation, physical abuse, social and family disruption and abandonment. Paragraph 262 states that ongoing negotiations and international instruments aimed at limitation of armed conflicts should provide a general framework for the protection of civilians in times of hostility and the basis of provisions of humanitarian assistance and protection to women and children.
5. The present report does not seek to examine the specific causes of armed conflict. Rather, it is concerned with the particular effects of these conflicts on women. A comprehensive view must be taken of those effects, the means necessary to ameliorate them through both protection and humanitarian assistance, and the longer-term measures to ensure women's participation in decision-making relating to the resolution of armed conflicts, as was done in developing the Nairobi Forward-looking Strategies.

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I. CONCLUSIONS AND RECOMMENDATIONS

6. International humanitarian law gives extensive protection to women. They benefit not only from the four 1949 Geneva Conventions for the protection of war victims but also from its 1977 Protocols relating to the protection of victims of international and non-international armed conflicts. 2/ If women in conflict situations are not always protected as they should be, it is not due to lack of a legal basis. Rather, the legal provisions relating to women are not applied actively on a targeted basis by those most concerned with enforcing the conventions.

7. The situation will not be remedied by adopting new rules, but rather by engendering respect for the rules already in force. Responsibility for applying the provisions giving special protection to women and - for that matter - all the other rules of international humanitarian law is a collective one. It rests first and foremost with the States party to the Geneva Conventions of 1949 and the Additional Protocols of 1977, which have undertaken to respect and ensure respect for those rules. As the guardians of those conventions, the International Committee of the Red Cross (ICRC) can also help to render the protection awarded to women more effective by special efforts, whether by visiting women held as prisoners of war or in civilian detention or internment, by providing material assistance or by making inquiries into the whereabouts of missing persons. Finally, the dissemination of knowledge of the rules by national Red Cross and Red Crescent societies or by organizations such as the World Veterans Federation can strengthen the existing law. Every effort made in that respect undoubtedly facilitates the task of those who bear the prime responsibility for the implementation of international humanitarian law, and encourages them in their endeavours.

8. Refugee women and girls constitute the majority of the refugee caseloads in most countries with sizeable refugee populations in the world today. They have special needs in the areas of international protection but also constitute a vital resource in the effort to promote viable solutions for refugees. Although significant steps have been taken by UNHCR to address the situation of refugee women, further action at the national and international levels is essential in order to achieve real progress. Violations of the physical safety and integrity of refugee women should be investigated by all parties and preventive and corrective action taken whenever necessary. Governments should take the special situation of refugee women into account in formulating national policies towards refugees who have found asylum within their borders. Measures should be defined to improve international assistance to women refugees as part of the preparation of the priority theme on the subject for the thirty-fifth session of the Commission.

9. Women are more often portrayed as passive victims rather than as actors in armed conflicts because they usually have not been involved in the decisions that started the conflicts nor are they usually among the combatants. They are seldom part of the official peace process, whether bilateral or at the level of the United Nations. However, women have shown great interest in conflict resolution by their leadership in the unofficial and non-governmental peace movements and should be more fully involved in the peace process.

10. The Nairobi Strategies affirm that women should support and encourage each other in their initiatives and actions relating to disarmament and the development of confidence-building measures between nations and peoples as well as in specific conflict situations between or within States. The Strategies, together with the Convention on the Elimination of All Forms of Discrimination against Women, 3/ establish a norm that women should participate in decision-making on an equal basis with men, which includes decisions concerning the conversion of resources from military to civilian purposes, to ensure that women's needs are taken into account. The attainment of all these goals can be greatly enhanced by strengthened co-operation between intergovernmental agencies and non-governmental organizations.

11. The role of women in the peace movement, of national machinery for the advancement of women in terms of peace issues, and of women in international decision-making for peace is worthy of further detailed analysis as part of the implementation of the Nairobi Forward-looking Strategies.

II. CONDITIONS OF WOMEN UNDER SITUATIONS OF ARMED CONFLICT

12. Armed conflicts continue to have a major impact on international and national life. The last global conflict, the Second World War, claimed the lives of at least 35 million people in six years of sustained fighting and associated violence. 4/ Since 1945 there has been an almost uninterrupted series of regional and national conflicts. Most of them have taken place in the poorer countries of Africa, Asia and Latin America, causing many casualties, especially among civilians.

13. It should be noted that a steadily growing number of conflicts erupt within States owing to economic, social, ethnic or religious differences and cause tremendous damage. The repercussions of these conflict situations have exacerbated the problems of the victims, who frequently are left unprotected since existing international instruments are not applicable.

14. The four Geneva Conventions define armed conflicts in three different ways:

(a) An international armed conflict between two or more States which are party to the Geneva Conventions of 1949 and to Additional Protocol I of 1977, whether or not the conflict is a formally declared war and even if the state of war is not recognized by one of the parties (article 2 common to the Geneva Conventions of 1949);

(b) Situations in which people are fighting against colonial domination, alien occupation and racist régimes, in the exercise of their right of self-determination, which is recognized as one of the fundamental principles of international law by the Charter of the United Nations (article 2 common to the Geneva Conventions of 1949 and article I of Protocol I);

(c) A non-international conflict within the territorial limits of a State, when obvious hostilities break out between its armed forces and other organized armed groups (article 3 common to the four Geneva Conventions and article I of Protocol I of 1977, as long as the State concerned is party to it), in situations

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where dissident forces are in conflict with the armed forces of the State, if the former are under responsible command and exercise such control over part of the territory as to enable them to carry out sustained and concerted operations.

15. The cost of these conflicts is not easy to measure. Each conflict has had its effect on the population as a whole. The crudest indicator of cost is the number of deaths in the civilian and military population. A 1983 study of world military and social expenditures found that in the first 38 years since the end of the Second World War, over 8 million civilians were estimated to have died as a result of 103 major armed conflicts world wide. 5/

16. Armed conflicts affect men and women alike in terms of economic and social dislocation, displacement of people, physical disability, and emotional and psychological damage. Women, however, are often more vulnerable to violation of their basic human rights, because they are less able to defend themselves. Thus, women have special needs in the area of protection. Several forms of physical violence and discrimination against women are endemic in most societies. In situations of armed conflict, women are especially vulnerable because they are fleeing persecution, because of the social disruption caused by flight, because they are sometimes separated from their families and the protection of their community, and finally because they are foreigners in an alien environment.

17. Furthermore, in the particular context of armed conflict situations, since men make up the bulk of combatants, it has fallen to women to provide the basis for functioning economies and society. They are even more responsible for preserving the integrity and continuity of society in an environment where most of the normal ties that hold a society together are cut. Whether by taking on most of the responsibility for obtaining food and other essentials and caring for other members of society or by providing a stable environment in the midst of general instability, they protect the integrity of the society's culture and socialize the young for a future after the end of the conflict. A particular effect of conflict can be the psycho-social stresses resulting from the breakdown of traditional family structures. That breakdown is reflected in the increase in the number of single-parent families headed by women, unmarried mothers and abandoned and orphaned children. The psychological, emotional, and social harm inflicted upon children by violence in armed conflict is no less significant than physical damage and even loss of life. Having been given a traditional caretaker role, women are expected, often over their remaining lifetimes, to care for family members, including those who have been disabled in the conflict.

18. For refugee women, many of whom are thrust for the first time into the role of head of family without the supportive structure of an extended family, class or tribe or access to international protection and material assistance, various cultural, socio-political and legal barriers as well as official attitudes too often impede or prevent them from obtaining needed health care, educational opportunities and remunerative employment. Therefore, there has been international concern to take special measures for the protection of women caught up in armed conflicts and to provide humanitarian assistance to them.

III. MEASURES FOR THE LEGAL PROTECTION OF WOMEN IN ARMED CONFLICTS

19. Since the number of women who actually participated in warfare was not significant until the outbreak of the First World War, the need for special protection for them as combatants was not widely recognized prior to that time. However, from the time international law came into force, women have had the same legal protection as men. In 1914, the Geneva Convention relative to the Treatment of Prisoners of War was adopted and sought to take into account the participation of a relatively large number of women in the war of 1914-1918. The Convention contained two provisions of particular interest: one stated that women should be treated with all consideration due to their sex (art. 3); the other, that differences of treatment between prisoners were permissible only if those differences are based on the military rank, the state of physical or mental health, professional abilities or the sex of those who benefited (art. 4). From 1929 onwards, women have enjoyed special protection under international humanitarian law.

20. In the Second World War, women participated in hostilities in greater numbers, although they normally were not armed. In addition, there were many more civilian casualties than in the earlier conflict. The adoption of new legal instruments taking such factors into account was essential. Therefore, the Diplomatic Conference for the Establishment of International Conventions for the Protection of Victims of War met from April to August 1949 at Geneva and adopted four Conventions:

(a) Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field of 12 August 1949;

(b) Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea of 12 August 1949;

(c) Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949;

(d) Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949. 6/

21. Since the adoption of those Conventions, new means and methods of warfare, with indiscriminate effects, have been devised, and new types of conflict have developed between regular armies and guerrilla forces in which it is difficult to distinguish combatants from civilians, so that civilians are rendered more vulnerable. As a result, the Conventions had to be supplemented. The International Committee of the Red Cross (ICRC) took the initiative and, at the conclusion of the Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law (1974-1977), two protocols were adopted: Protocols I and II additional to the Geneva Conventions of 12 August 1949 and relating to the protection of victims of international armed conflicts (Protocol I) and non-international armed conflicts (Protocol II). 7/ They were intended to offer better legal protection, primarily to the civilian population and thus to women.

A. Protection of women in the Geneva Conventions and their Protocols

22. In international humanitarian law, women and children benefit from general protection, as persons taking no part in the hostilities. They are protected against abuses by the party to the conflict into whose hands they fall and come under the category of persons protected by the fourth Geneva Convention relative to the protection of civilian persons in time of war. In a non-international armed conflict, they are protected by article 3, which is common to the four Geneva Conventions. Additionally, as members of the civilian population, they benefit from the rules of international humanitarian law relative to the conduct of hostilities which define the principles for distinguishing between civilians and combatants and forbidding attacks directed against the civilian population, as laid down in the Protocols.

23. For international armed conflicts, the general protection of women as members of the civilian population is dealt with in the Fourth Geneva Convention, in part III, entitled "Status and treatment of protected persons", section I of which contains "Provisions common to the territories of the parties to the conflict and to occupied territories". In article 27 the second paragraph states: "Women shall be especially protected against any attack on their honour, in particular, against rape, enforced prostitution, or any form of indirect assault." General protection has been reaffirmed in article 76 of Protocol I, which adds a general principle that "women shall be the object of special respect and shall be protected ...". Under those conditions, women benefit from all the provisions that state the basic principle of humane treatment, including respect of life and physical and moral integrity, and particularly from those forbidding coercion, corporal punishment, torture, collective penalties, reprisals, pillage and the taking of hostages. Furthermore, in the event of infractions committed in relation to the conflict, women have the right to trial by an independent and impartial court established by law respecting the generally recognized principles of judicial procedure.

24. For combatants in non-international armed conflict, the first paragraph of article 3 common to the four Geneva Conventions stipulates, inter alia, that "persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat ... shall in all circumstances be treated humanely, without any adverse distinction founded on ... sex ...".

25. For international armed conflicts, the Fourth Geneva Convention stipulates that expectant mothers and mothers of children under seven are among the privileged persons who can find refuge in hospital and safety zones and localities (art. 14); that expectant mothers shall be the object of particular protection and respect (art. 16); and that there be free passage of all consignments of essential foodstuffs, clothing and tonics intended for expectant mothers and maternity cases (art. 23). Other provisions apply to female members of the civilian population who are subject to punishment, whether disciplinary or penal (art. 119). Article 124 stipulates that "women internees undergoing disciplinary punishment shall be confined in separate quarters from male internees and shall be under the immediate supervision of women". This rule is repeated in the fifth paragraph of article 75

of Protocol I. Two new rules were included in article 76 of Protocol I. One stipulates that "pregnant women and mothers having dependent infants who are arrested, detained or interned for reasons related to the armed conflict, shall have their cases considered with the utmost priority" (para. 2). The other rule states that to the maximum extent feasible, the Parties to the conflict shall endeavour to avoid the pronouncement of the death penalty on pregnant women or mothers having dependent infants, and that the death penalty shall not be executed on such women (para. 3). Some of these rules are included in Protocol II relating to non-international armed conflicts. Paragraph 2 of article 5 of Protocol II stipulates that women deprived of their liberty shall be held in quarters separated from those of men and shall be under the immediate supervision of women. Paragraph 4 of article 6 stipulates that the death penalty shall not be carried out on pregnant women or mothers of young children.

26. The protection of female prisoners of war is dealt with in article 14 of the Third Geneva Convention relating to the respect for the persons of prisoners. Paragraph 2 of that article reads as follows: "Women shall be treated with all the regard due to their sex and shall in all cases benefit by treatment as favourable as that granted to men."

27. In the Third Geneva Convention articles 25 on quarters, 97 on disciplinary punishment, and 108 on penalties following conviction for penal offence stipulate that women prisoners of war shall be confined in separate quarters and supervised by women.

28. In addition to the general protection from which all civilians benefit, "women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution or any form of indecent assault", according to article 27 of the Fourth Convention and articles 75 and 76 of Protocol I. Acts against which women are protected by article 27 are and remain prohibited in all places and in all circumstances, and women, whatever their nationality, race, religious beliefs, age, marital status or social condition have an absolute right to respect for their honour and their modesty and in general for their dignity as women. 8/

29. A party to an international armed conflict is authorized by international law to take strict control measures regarding protected persons, on the condition that its security renders those measures absolutely necessary. Like other protected persons, women may be interned or charged for carrying out acts endangering the security of the occupying power. Special provisions are made in international humanitarian law for the benefit of women in such situations. Under the terms of article 75 of Protocol I, "Women whose liberty has been restricted for reasons related to the armed conflict shall be held in quarters separated from men's quarters. They shall be under the immediate supervision of women. Nevertheless, in cases where families are detained or interned, they shall, whenever possible, be held in the same place and accommodated as family units." Article 85 of the Fourth Convention states: "Whenever it is necessary, as an exceptional and temporary measure, to accommodate women internees who are not members of a family unit in the same place of internment as men, the provision of separate sleeping quarters and sanitary conveniences for the use of such women internees shall be obligatory."

This paragraph is a case of a particular application of the general principle laid down in article 27, paragraph 2, "concerning the respect due to women's honour". 9/ For the same reasons, article 97 states that a woman internee shall not be searched except by a woman. There is nothing to prevent the detaining Power from arranging for women a system of disciplinary detention less harsh than that for men and in less uncomfortable premises. 10/ Such a distinction between the sexes is not regarded as contrary to the general principle of international humanitarian law forbidding all discrimination.

30. In non-international armed conflicts, Protocol II provides similar rules. Article 5 specifies that women who are arrested, detained or interned "shall be held in quarters separated from those of men and shall be under the immediate supervision of women" except when members of a family are accommodated together. In the event that it is not possible to provide separate quarters, it is essential in any event to provide separate sleeping places and conveniences. It should be noted that the foregoing provisions refer both to civilians deprived of their freedom and to captured combatants.

31. Article 132 of the Fourth Convention urges the Parties to the conflict "to conclude agreements for the release, the repatriation, the return to places of residence or the accommodation in a neutral country of ... [interned] pregnant women ...". The article does not specify an obligation to reach such agreements, but it does constitute an urgent recommendation based on experience.

32. In article 89, the Fourth Convention provides that "expectant and nursing mothers ... shall be given additional food, in proportion to their physiological needs". This clause was designed to avoid deficiency diseases which would be particularly regrettable among those women, since they would affect future generations. 11/ Since internment is not a punishment but a precautionary measure adopted in the interest of the detaining Power, it cannot be allowed to cause serious prejudice to the persons subjected to it. 12/ Thus, according to article 91, "maternity cases ... must be admitted to any institution where adequate treatment can be given and shall receive care not inferior to that provided for the general population". In addition, maternity cases must not be transferred if the journey might be seriously detrimental to them, unless their safety demands the transfer. In these cases, it is the safety of the internee which is decisive, not the military situation.

33. In addition, women and children not taking part in the hostilities benefit from special protection - women on account of their physiological specificity, their honour and modesty and well as pregnancy and childbirth; children because they are particularly vulnerable.

34. Finally, the Fourth Convention, in article 132, encourages the release, repatriation, return to places of residence or the accommodation in a neutral country of children, pregnant women and mothers with infants and young children.

35. As concerns the definition of non-international armed conflicts, article I of Protocol II states: "This Protocol shall not apply to situations of internal disturbances and tensions, such as riots, isolated and sporadic acts of violence and other acts of a similar nature, as not being armed conflicts."

36. The applicability of the Protocols is impeded by the fact that, although there are 152 signatories to the Geneva Conventions, only 27 States have ratified Protocol I; 23 have ratified Protocol II.

37. For the application of the Geneva Conventions, article 9 of the First Convention describes the role of ICRC by stating "The provisions of the present Convention constitute no obstacle to the humanitarian activities which the International Committee of the Red Cross or any other impartial humanitarian organization may, subject to the consent of the Parties to the conflict concerned, undertake for the protection of wounded and sick, medical personnel and chaplains, and for their relief." There is no specific mandate to deal with the particular issues of women.

38. Common article 3 of the Conventions is the treaty basis on which ICRC can support its activities in non-international armed conflicts. According to the second paragraph of that article, ICRC "may offer its services to the Parties to the conflict". In times of internal disturbances, ICRC has a "right of initiative" to offer its services, not based on the Geneva Conventions but based on its own statutes. As in non-international armed conflicts, Governments are free to accept or reject those offers. For international armed conflicts the Geneva Conventions delegate to ICRC the tasks of visiting or interviewing without witness prisoners of war and detained or interned civilians; providing aid to the civilian population of occupied territories; searching for missing persons and transiting family messages to prisoners of wars; offering its services to facilitate the establishment of hospital zones and localities and safety zones and localities; receiving requests for aid from protected persons; and asking - by virtue of its right of initiative - parties to a conflict to agree to its discharging other humanitarian Conventions in the event of non-international armed conflicts and international armed conflicts. Finally, it may act, wherever necessary, as a substitute for the Protecting Power.

B. Legal protection of refugee women

39. International instruments relevant to the protection of refugees make no distinction between male and female refugees. Article 1A (2), for example, of the 1951 Convention relating to the Status of Refugees defines a refugee as a person who, "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country". ^{13/} Similarly, the most fundamental of refugee protection principles, as expressed in article 33 of the same Convention, holds that "no Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion". Neither the 1951 Convention nor its Protocol of 1967 ^{14/} includes specific provisions for refugees fleeing armed conflicts. However, such provisions are to be found in the Convention Governing the Specific Aspects of Refugee Problems in Africa, adopted by the Organization of African Unity (OAU) in 1969 ^{15/}

as the regional complement to the 1951 Convention. In that Convention the term "refugee" is extended to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country or nationality.

40. A similar evaluation in Central America led to the adoption in 1969 of the Cartagena Agreement ^{16/} which, although not a binding instrument for the States concerned, reiterates that in view of the experience gained from the massive flows of refugees in Central America, it is necessary to consider enlarging the concept of a refugee. The definition of a refugee recommended for use in the region is one which, in addition to containing the elements of the 1951 Convention and the 1967 Protocol, includes persons who have fled their country because their lives, safety or freedom have been threatened by generalized violence, foreign aggression, internal conflicts, massive violation of human rights or other circumstances which have seriously disturbed public order.

41. There have been a number of cases in which women have sought asylum or refugee status pursuant to the 1951 Refugee Convention due to the social situation and treatment of women in their country. In that connection, the European Parliament recently adopted a resolution in which it took the view that women who face harsh or inhuman treatment because of the society in which they live can be considered as belonging to a "particular social group" within the meaning of the 1951 Convention. The European Parliament called upon States to apply the 1951 Convention and the 1967 Protocol in that sense. ^{17/}

42. In 1987 UNHCR issued to all its substantive officers in the field and at headquarters a set of internal guidelines with regard to the specific protection of refugee women. The document called attention to the particular problems faced by refugee women, outlined policies to guide the relevant UNHCR activities, and specified the measures to be taken by field offices. Specific protection issues would include measures to prevent discrimination and to ensure the physical security of refugee women.

1. Physical security

43. Owing to the particular circumstances of their flight and subsequent insecurity, social disruption and status as foreigners in countries of asylum, together with a breakdown in traditional protective structures, refugee women encounter particular hazards in regard to their physical security. For example, serious cases involving violations of the physical security of refugee women in camps, settlements and border areas have been reported over the past years, involving both women and young girls. A recent survey conducted in a country with a large population of refugees revealed a high proportion of women who had suffered violence from anti-government forces in their country of origin. In another country, encouraging progress was reported with a number of suspect perpetrators of attacks on refugee women, who were apprehended by the authorities and are currently facing criminal charges. One field office in a country with a large population of refugees reported no known problem involving physical security of refugee women but mentioned the lack of reliable data.

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44. In countries where refugees are confined in overcrowded camps and reception centres, often for extended periods of time, refugee women frequently suffer from family violence - due to pent-up frustration and the fragmentation of community life - rape and abuse from other refugees and, in some cases, camp guards. This phenomenon further compounds the personal tragedy faced by those refugee women in camps who, during hazardous sea voyages, have already been victims of violence. Sexual exploitation for the purposes of prostitution also occurs in the refugee context and involves primarily single women or girls and female heads of family. Women refugees often do not have alternative means of income, as a result of lower levels of education and training and of difficulties in obtaining work permits or in finding someone to take care of their children while they work. A simple remedy would be to re-orient programmes to ensure that refugee women are offered alternative means to sustain themselves and their dependents.

45. Another remedy might be counsellors who could aid the victims of abuse and channel information on it to the authorities, which might lead to the apprehension, prosecution and conviction of the guilty parties. Other measures might be increasing the presence of agency and law enforcement officials in border areas and along flight routes, training military units on underlying protection principles, establishing security patrols in camps, improving lighting in camps and settlements at night, separating accommodation of male and female refugees, and urgently resettling refugee women particularly exposed to physical violence and abuse.

2. Discrimination against refugee women

46. In 1985, the Executive Committee of UNHCR recognized that the protection problems encountered by refugee women "result from their vulnerable situation which frequently exposes them to ... discrimination". Although the Committee stressed that such problems should receive the urgent attention of Governments and UNHCR, it only called for appropriate measures to be taken to protect refugee women and girls from violence, threats to their physical safety or exposure to sexual abuse or harassment. Just as refugee women are more vulnerable than other women, so discrimination on grounds of sex makes them more vulnerable than men. Women refugees often face discrimination in their involvement in the affairs of the refugee community. Although in at least one country, women refugees play a prominent part in the planning and implementation of programmes, this is not generally the case. What precisely constitutes discrimination, however, is not a point on which States readily agree; nor do they agree on the extent to which discrimination should be combated.

IV. HUMANITARIAN SUPPORT TO WOMEN IN AREAS OF ARMED CONFLICT

47. The first needs of persons affected by armed conflict are the provision of immediate relief and arrangements for rehabilitation. Special programmes of humanitarian support and economic assistance are often part of peace efforts. Meeting the basic needs of the victims of armed conflicts, destitute refugees or displaced populations is met by the United Nations High Commissioner for Refugees (UNHCR), the United Nations Relief and Works Agency (UNRWA), the World Food Programme (WFP), the United Nations Children's Fund (UNICEF) and intergovernmental organizations such as the International Committee of the Red Cross (ICRC). 18/

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48. Relief for the civilian population - in particular, for old people, women and children - in case of international armed conflict has been of concern to international conferences of the Red Cross since the Eleventh International Conference (Geneva, 1923). Since then, successive conferences have repeatedly discussed the protection of civilians in the event of blockades, prohibitions against the use of certain weapons, and the protection of civilians of enemy nationality in the territory of a belligerent or in an occupied territory.

49. The Geneva Conventions have numerous provisions relating to relief in the event of international armed conflicts. Part II of the Fourth Convention contains several important articles concerning protection of the civilian population; for example, the first paragraph of article 23 reads:

"Each High Contracting Party shall allow the free passage of all consignments of medical and hospital stores and objects necessary for religious worship intended only for civilians of another High Contracting Party, even if the latter is its adversary. It shall likewise permit the free passage of all consignments of essential foodstuffs, clothing and tonics intended for children under fifteen, expectant mothers and maternity cases".

50. The purpose of article 23 is to alleviate the consequences of blockades for the civilians most exposed to them, but it does not solve all the problems of a relief action. For example, shipments of medications are authorized for all civilians, but not shipment of food; those are allowed only for children under 15, pregnant women and maternity cases. The obligation to allow free passage is not absolute, since the parties have a duly recognized right of inspection and especially of effective supervision. The granting of facilities and exemptions from charges is not expressly provided for, except in article 142, which grants relief societies the right to facilities for the distribution of relief to protected persons only, and not to the entire civilian population.

51. It should be noted that in recent times the burden of caring for refugees and other people displaced by armed conflicts is for the most part borne by neighbouring countries, often themselves developing and poor.

A. International Committee of the Red Cross

52. In situations of internal conflict, the main basis for relief actions is the right to humanitarian initiative, which articles 3, 9 and 10 of the Fourth Convention accord to the International Committee of the Red Cross (ICRC). ICRC has provided extensive relief for civilian populations and displaced persons and protection against arbitrary treatment and indiscriminate attacks. Red Cross assistance is based on four main principles: humanity (the welfare of the victims); impartiality (the absence of any discrimination in the distribution of aid, which goes to the victims of both camps); independence (of those who bring the aid); and neutrality.

53. During an armed conflict, in cases where it is the only organization in a position to do so, ICRC provides support to existing medical services through the transport or supply of basic medicines and the guidance or training of local staff. In the absence of any health services, ICRC may set up dispensaries and even surgical hospitals. It undertakes material and medical aid programmes only in cases of armed conflict and internal disturbances and tension; and only then can it carry out on-the-spot checks on the urgency of the victims' needs, make local surveys to identify the categories and numbers of people requiring assistance, and organize and supervise relief distributions.

54. With an average of 3,500 staff working in 44 delegations during 1988, ICRC was active in almost 90 countries. The total value of the medical and other supplies dispatched by ICRC in 1987 was 55 million Swiss francs, of which over half were allocated to Africa. 19/

B. United Nations High Commissioner for Refugees

55. The statute of UNHCR states that the Office, acting under the authority of the General Assembly, will provide international protection, under the auspices of the United Nations, to refugees who fall within the scope of the statute and will seek permanent solutions for the problem of refugees by assisting Governments and, subject to the approval of the Governments concerned, private organizations to facilitate the voluntary repatriation of such refugees or their assimilation within new national communities.

56. As noted above, over 80 per cent of the refugees receiving assistance from the international community and UNHCR are to be found in developing countries. Activities benefiting refugees within the competence of the High Commissioner are presented under general programmes, consisting of annual programmes and the Emergency Fund. The programmes are grouped into five regions: Africa; Asia and Oceania; Europe and North America; Latin America and the Caribbean; South West Asia, North Africa and the Middle East. Activities generally entail five types of assistance; emergency relief; care and maintenance; and the three durable solutions - voluntary repatriation, local settlement, and resettlement.

57. The Emergency Fund, which allows the High Commissioner to allocate up to \$US 10 million annually, has frequently had to be used - for example, when the Office responded to emergencies in Ethiopia, Rwanda, Senegal and Uganda. Extensive operational plans covering all life-saving sectors were developed for the emergencies in western and eastern Ethiopia. Staff were mobilized to respond to the influx of refugees from Burundi into Rwanda, and later on assisted in their voluntary repatriation. Comprehensive contingency planning in Uganda resulted in an effective response to a sudden influx of some 30,000 Sudanese refugees into the northern part of that country. More recently, UNHCR has responded to a renewed influx into Pakistan and to the needs of an estimated 15,000 Mauritanian refugees who arrived in Senegal. A special, temporary, operational unit was created to prepare for and organize the repatriation of Namibian refugees.

58. Political, physical, environmental or socio-economic factors often preclude the rapid identification and implementation of durable solutions or measures that would make refugees self-sufficient. Pending the identification and implementation of durable solutions, UNHCR provides intermediate care and maintenance. This may include provision of food, transportation, shelter, water, health services, sanitation, clothing, household utensils and basic education. Whenever feasible, programmes also include vocational training or small income-generating activities to prepare refugees for a more productive life and promote a reasonable degree of self-reliance. In such circumstances, the focus is on greater refugee participation towards self-sufficiency and preparations for the anticipated durable solution.

59. In Africa, large care and maintenance programmes are being implemented in Ethiopia, Malawi and Somalia. In eastern Ethiopia, the 350,000 Somali refugees who sought asylum after the conflict in north-west Somalia in May 1988 are located in inhospitable terrain in the Ogaden and are completely dependent on relief assistance. Similarly, due to the scarcity of land, the more than 60,000 Mozambican refugees in Malawi will have to rely on relief assistance pending the establishment of conditions favourable for their voluntary repatriation.

60. The largest single care and maintenance programme remains, as in 1988, the assistance programme for Afghan refugees in Pakistan. Included in this programme is a substantial component of income-generating and self-sufficiency activities. Repatriation remains the only viable durable solution for the caseload. In South-east Asia, some 156,000 Indo-Chinese asylum seekers were, by the end of 1988, receiving care and maintenance in UNHCR-assisted camps in Hong Kong, Indonesia, Malaysia, the Philippines, Singapore and Thailand.

61. In Latin America, substantial care and maintenance programmes continue in Honduras and Mexico, pending the acceleration of repatriation and the reinforcement of self-sufficiency activities. In Europe, large numbers of asylum seekers and refugees in Greece, Italy, Turkey and Yugoslavia require the provision of care and maintenance while awaiting the attainment of a durable solution.

62. Voluntary repatriation brings about the ultimate aim of refugee protection - namely, the re-establishment of the refugee within a community (in this particular instance, his or her own country). For this to occur, however, the underlying political problems need to be solved in accordance with the relevant United Nations resolutions. It is, therefore, whenever feasible, the most desirable of all durable solutions. It constitutes an exercise of the refugees' right to return to their own countries and is based upon fundamental principles of refugee protection. Those include the voluntary nature of repatriation and the need for it to take place under conditions of safety and dignity. With UNHCR assistance, activities were undertaken concerning voluntary repatriation of Afghan refugees, Namibian refugees, Vietnamese from Hong Kong, and Central American refugees, mainly Nicaraguans, with lesser number of Guatemalans and Salvadoreans, Ugandan refugees, and refugees from Burundi, Mozambique, Ethiopia, Zimbabwe and Chad.

63. As long as voluntary repatriation is not possible, local settlement in the country of first asylum is the most appropriate approach to promote the self-reliance and socio-economic integration of refugees. UNHCR generally assists

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the host countries in identifying, appraising, planning and developing local (rural and urban) settlement schemes, the ultimate objective being to create socio-economically viable communities where refugees can meet their basic needs and fully integrate into local economies. Continued emphasis has been placed over the past years by the High Commissioner on the viability-assessment and efficiency of programmes in order to optimize the allocation and use of resources made available by the international community for the benefit of refugees.

64. Most refugees likely to integrate into countries of first asylum through local settlement come from developing countries, principally from Africa, Asia and Central America, which are also the largest refugee-receiving regions. For the majority of these refugees, local settlement takes place in rural areas and only a small proportion settles in urban areas. This distribution reflects the actual profile of the refugee caseload since the overwhelming majority of refugees are reported to have a rural background. Over the last decade, local settlement expenditures have constituted a substantial part of UNHCR's assistance programme.

65. Resettlement in third countries continues to be the main durable solution for individual refugees or refugee groups where neither voluntary repatriation nor local integration in the country of first asylum can be resorted to for a secure, stable and dignified future. The criteria for seeking resettlement, therefore, derive not only from conditions in the country of origin but also from conditions in the country of first asylum.

66. Some countries permit temporary asylum on condition that resettlement to a third country will be undertaken immediately or as soon as possible. Even where this is not the case, ethnic, political or economic reasons may render local integration impossible, thus necessitating efforts to find a solution in a third country. Of all the three durable solutions, resettlement invariably involves the greatest upheaval, and requires the hardest challenge in readjustment, for the individuals concerned.

67. In 1988, a total of 111,056 individuals were resettled through UNHCR's interventions. An increase has been noted in resettlement needs in the past few years, and that trend shows few signs of abating in the immediate future. Particular attention is focused, in 1989 and 1990, on expanded efforts to resolve the Indo-Chinese refugee phenomenon in the context of the Comprehensive Plan of Action. 20/ Governments have been asked to support the Plan through generous resettlement commitments for those who arrived in first-asylum countries before "cut-off" dates as well as for those who will be determined to be refugees through region-wide eligibility determination procedures.

C. United Nations Relief and Works Agency for Palestine
Refugees in the Near East

68. UNRWA began operations in May 1950 to give emergency assistance to the hundreds of thousands of Palestinians displaced by the 1948 Arab/Israeli conflict. Pending a solution to the Palestine question, UNRWA continues to provide essential education, health and relief services to Palestine refugees, now numbering more

than 2 million in Jordan, the Syrian Arab Republic, Lebanon and the occupied territory of the West Bank and Gaza Strip.

69. With technical supervision and assistance from UNESCO, UNRWA operates 633 schools for around 350,000 refugee children enrolled in elementary and preparatory (junior secondary) cycles. The Agency has never found it necessary to mount a special drive to enrol girls in its schools since they have been, since 1965, represented in the same proportion as their numbers in the 6-14 age group in the refugee population. UNRWA also runs three teacher-training centres and eight vocational training centres. At present, nearly 60 per cent of the students in the teacher-training centres are women. Most of them go on to be teachers in Agency schools. Although courses offered at the vocational training centres are open to women, male trainees outnumber women. However, the proportion of women trainees has been gradually increasing from 7 per cent in the early 1960s to the current figure of more than 20 per cent.

70. UNRWA's health programme is of substantial importance to Palestine refugee women. It focuses on preventive and community health, with children and mothers in the major target group. Services are provided through 97 maternal and child health centres. In 1987 the centres registered approximately 45,000 pregnant women for regular health supervision and monitoring. After giving birth, women are strongly encouraged to bring their infants to the centres for regular medical check-ups, which include monitoring child growth and development and administering vaccinations. In 1987, about 125,000 children up to the age of three years received regular health supervision and immunization at the Agency's child clinics. In addition, immunization against tetanus and rubella is given to schoolgirls and women.

71. UNRWA's special-hardship-case programme provides basic minimum support to refugees in need. In 1989, more than 130,000 such refugees received food, clothing, blankets, small cash grants, shelter repair or reconstruction aid, cash subsidies for hospitalization, preferential access to UNRWA vocational and teacher-training centres, and grants for income-generating projects. One of the largest groups of beneficiaries was widows with young children. After the Israeli invasion in June 1982, living conditions in Lebanon became especially severe for refugee women, many of whose husbands were either dead, missing or detained. Refugee widows with young children qualify for registration as special hardship cases. Throughout UNRWA's area of operations, Agency welfare workers review the needs of destitute families, giving special attention to women. UNRWA's welfare programme also includes community development efforts such as improvement to water and drainage systems in the refugee camps, co-operatives for making and selling embroidery and clothing, women's and youth activities and pre-school centres where young children are supervised.

72. UNRWA's activities in the West Bank and Gaza Strip have expanded as a result of the Palestinian intifadah, or uprising, which began in December 1987. Palestinians, including many women and children, have been treated in UNRWA clinics for injuries caused by bullets and beatings and for the effects of tear-gas inhalation. In response to the emergency situation, UNRWA has extended the opening hours of its clinics and provided additional medical equipment and personnel. The

expansion of the health programme is one of a series of extraordinary measures taken by UNRWA to meet the additional demands created by the intifadah. Other measures include an expansion of the provision of supplementary food to infants and pregnant and nursing women, distribution of food parcels and payment of cash grants to families in sudden hardship because of, for example, the loss of the family breadwinner. In addition, the Agency has embarked upon an expanded programme of assistance intended to alleviate the miserable conditions under which refugees live in the West Bank and Gaza Strip.

D. United Nations Border Relief Operation

73. At the end of August 1988, there were nearly 300,000 displaced women living in camps on the Thailand side of the border with Cambodia. They were assisted by the United Nations Border Relief Operation (UNBRO), the International Committee of the Red Cross (ICRC) and 12 voluntary agencies also operated in the border area under UNBRO's overall co-ordination. Assistance targeted to women must take into account a number of salient facts, including the large proportion of children in the camp populations. About 28 per cent of the Khmer beneficiaries are children under the age of five. Many women are thus restricted in their activities and opportunities by the need to care for large numbers of children. Many of the women must also cope with either the absence of their husbands much of the time or outright widowhood.

74. To help women, especially those with primary responsibility for families, the Khmer Women's Association was organized in 1982. Initially it provided mostly material supplies such as blankets, cooking utensils etc. Over the years the emphasis has shifted more to "preventative" care for vulnerable groups. The Association operates an early child care and development programme that reaches about 11,000 young children per six-month cycle. At the same time many of the mothers take literacy and childcare courses. Khmer women who have been through the various courses may become trainers who work with UNBRO staff in the development of curricula for the children, including pre-language skills, pre-math, art, music, hygiene, outdoor play and community-based experiences. The Khmer Women's Association has a toy-making project using soft low-cost materials or left-over supplies. It supplements basic wooden toys made by Khmer carpenters.

75. The adult literacy programme of the Association has targeted the 70 per cent of the Khmer women who are estimated to be illiterate. To help those who could not otherwise attend literacy courses, because of their need to care for young children, the Association provides daycare. Closely linked to literacy is a programme of skills-training for women in areas such as knitting, hand-sewing, machine-sewing, mat- and cloth-weaving and food-processing/preserving. Many of the clothes produced by the Association are distributed to single-parent families and other vulnerable groups such as the handicapped. It is hoped that in 1990 the number of skills taught can be expanded, especially in light of the possibility of voluntary repatriation.

76. Women in the Khmer Women's Association run an outreach programme to identify which families within the camp are in particular need of help. Social workers find

such families and decide what types of assistance are required. Khmer women who are pregnant and lactating are the beneficiaries of special feeding programmes. They receive special supplementary rations as well as nutritional education. Children who are found to be seriously under standard weight for height also qualify for supplementary feeding. In families with a single female parent, there is provision for extra rations to compensate for the fact that the mother is usually house-bound and cannot work to obtain items not found in the UNBRO-provided ration (e.g. tea, sugar).

V. WOMEN IN THE PEACE PROCESS

77. Women in situations of armed conflict should not only be seen as victims, but rather as part of the process of resolving conflicts. This positive role for women has been agreed as a norm, but there have been few studies about it, particularly at the national level. The peace-making role that women can play in specific armed conflicts has begun to be studied, but the results have yet to be widely disseminated. For example, in countries involved in situations of armed conflict, women have often undertaken their own protests against conditions. In South Africa, for example, women's demonstrations against pass laws and other aspects of the apartheid system have been part of the effort to change that situation. The participation of Palestinian women in efforts to solve the problems of that region are described in a separate report to the Commission (E/CN.6/1989/10). Women have sought involvement in the peace process in Central America, both at the level of wives of heads of State and at the grassroots level, a phenomenon that is expected to be examined at a seminar/workshop entitled "Central American women in crisis, war and the peace process" being organized by UNICEF and the Facultad Latinoamericana de Ciencias Sociales in the first quarter of 1990. Much of the grassroots work, especially in developing countries, has gone unreported. 21/

78. Most of the armed conflicts that affect women as victims have come to the attention of the United Nations. It is therefore appropriate to examine women's contribution to the resolution of armed conflict in forums at that level. Indeed, the participation of women in conflict resolution at the international level has been given particular importance by member States and, because information is becoming available about the extent to such participation, it constitutes a good case study of women's actual role. Historically, women as a group have had little direct opportunity to influence seriously decision-making or formulation of international policies concerning the peace process. This has not only deprived women of their basic right to participate in decisions which are crucial for humanity but has also deprived society of female values and experience, without which the entire political process remains incomplete. Article 6 of the Declaration on the Participation of Women in Promoting International Peace and Co-operation contains an appeal to Governments to take all appropriate measures to ensure the equal participation of women in activities concerning world peace and co-operation in the decision-making process. The Nairobi Forward-looking Strategies 1/ emphasize the meaning to women and the role of women in the promotion of peace (paras. 232 and 272). Moreover, the Convention on the Elimination of All Forms of Discrimination against Women 22/ calls for women to have equal opportunity to participate in all decision-making.

79. The paucity of women involved in the international decision-making process on peace issues is directly related to the fact that there are so few women at the highest levels of national decision-making, where the most significant decisions on issues of peace and security are currently taken. Women's role in decision-making is described in the Secretary-General's report, "Equality in political participation and decision-making" (E/CN.6/1989/2), submitted to this Commission. That report showed that the lowest proportion of women in decision-making by type of ministry was in the "political" areas most involved with conflict (foreign affairs, defence, internal, or home, affairs). A similar situation exists with regard to women's participation in decision-making for peace and the resolution of conflicts at the official international level. This can be seen through analysis of the composition of delegations to the main United Nations bodies dealing with the issue of armed conflict and disarmament. It is evident that the numerical representation of women on the First Committee does not reflect the importance that women accord to the subject of peace and the increasing interest and expertise women can offer in that area. Where there is female participation in national delegations, a differentiation in their status reveals a further dilution of their potential impact: very few women serve in a senior capacity as representatives, alternates or advisers.

80. Lacking access to formal decision-making at the national and international levels, women have turned to non-governmental organizations to influence the peace process. Female participation in those organizations has been considerably better than in official bodies. For instance, women have been actively involved, from the very beginning, in the campaign against nuclear armaments on both moral and socio-humanitarian grounds. Women's organizations have also been active in organizing peace demonstrations, marches, seminars, exhibitions, workshops and educational programmes for women to further the cause of peace.

Notes

1/ See Report of the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace, 15-26 July 1985 (United Nations publication, Sales No. E.85.IV.10).

2/ For a discussion of the Conventions and Protocols, see paras. 22-38.

3/ General Assembly resolution 34/180.

4/ See "1985 report on the world social situation" (E/CN.5/1985/2).

5/ Ruth Leger Sivard, World Military and Social Expenditures, 1983 (Washington, D.C., World Priorities, 1983), p. 21.

6/ United Nations Treaty Series, vol. 75 (1950), Nos. 970-973.

7/ Ibid., vol 1125 (1979), Nos. 17512 and 17513.

Notes (continued)

- 8/ International Committee of the Red Cross, Commentary on the Fourth Geneva Convention (Geneva, 1958), art. 27, para. 2.
- 9/ Ibid., art. 85, para. 4.
- 10/ Ibid., art. 124, para. 3.
- 11/ Ibid., art. 89, para. 5.
- 12/ Ibid., art. 91, para. 2.
- 13/ United Nations Treaty Series, vol 189 (1954), No. 2545, art. 1.
- 14/ Ibid., vol. 606 (1967), No. 8791.
- 15/ Ibid., vol. 1001 (1976), No. 14691.
- 16/ See Amos Peaslee, International Governmental Organizations: Constitutional Documents (The Hague, Martinus Nijhoff, 1974).
- 17/ Resolution 13 of 13 April 1984.
- 18/ Official Records of the General Assembly, Forty-third Session, Supplement No. 1 (A/43/1).
- 19/ International Committee of the Red Cross, 1988 Annual Report (Geneva, 1988), p. 9.
- 20/ "Overview of UNHCR activities: report for 1988-1989" (A/AC.96/729).
- 21/ Activities of women for peace have been described in a development education kit entitled "Women and peace" prepared by the Joint United Nations Information Committee/Non-governmental Organization Programme Group on Women and issued at the United Nations Office at Vienna by the Division for the Advancement of Women.
- 22/ General Assembly resolution 34/180, annex.
